

3.3 Jurisdiction

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3.3 Jurisdiction

A. Jurisdictional Age Limits

Minimum age. A juvenile must be at least six years of age to come under the jurisdiction of the juvenile court on allegations of delinquency. G.S. 7B-1501(7).

Maximum age. A juvenile must have been less than 16 years of age at the time the alleged offense occurred. G.S. 7B-1501(7). The juvenile court has no jurisdiction to adjudicate a matter if the defendant was 16 years or older at the time of the alleged offense.

Legislative note: This chapter reviews the statutes in effect at the time of completion of this manual in Fall 2017. During the 2017 legislative session, the General Assembly enacted the Juvenile Justice Reinvestment Act, which expanded the jurisdiction of juvenile court to include crimes committed by 16 and 17-year-olds, except for motor vehicle offenses. Most of the changes apply to offenses committed on or after December 1, 2019. For a discussion of the changes that take effect in 2017, see *infra* Ch. 19, Raise the Age Legislation. For a discussion of the changes that take effect in 2019, see LaToya Powell, [2017 Juvenile Justice Reinvestment Act](#).

Special circumstances. When a delinquency proceeding has been initiated but is not concluded before the juvenile's 18th birthday, the juvenile court retains limited jurisdiction to determine whether the juvenile petition will be dismissed or the case will be transferred to superior court for trial as an adult. G.S. 7B-1601(c). If the juvenile is subject to this provision, counsel should endeavor to conclude the case before the juvenile's 18th birthday so that the juvenile is not exposed to the risk of transfer to superior court.

When a person over the age of 18 is charged with a felony and any related misdemeanors alleged to have been committed when the person was at least 13 but less than 16 years of age, the juvenile court has limited jurisdiction to determine whether the juvenile petition will be dismissed or the case will be transferred to superior court for trial as an adult. G.S. 7B-1601(d).

G.S. 7B-1601(c) and (d) are applied most often in cases where allegations of sexual assault are reported years after the alleged act or acts. Counsel should calculate the ages

of both the juvenile and the victim at the time of the alleged offense to determine whether there is a defense to an allegation of statutory rape under G.S. 14-27.4 or statutory sexual offense under G.S. 14-27.29.

B. Termination of Jurisdiction

After the court has obtained jurisdiction over the juvenile, jurisdiction generally continues until terminated by order of the court or until the juvenile reaches the age of 18. G.S. 7B-1601(b). Jurisdiction of the court continues if the court has extended jurisdiction, discussed below. Counsel should request an order terminating jurisdiction when court-ordered supervision ends.

C. Extended Jurisdiction

Until age 21. Jurisdiction may continue until the age of 21 for certain juveniles who were adjudicated delinquent and are in the custody of the Division for placement in a youth development center. The juvenile must have been adjudicated delinquent for an offense that would constitute one of the following crimes if committed by an adult: first degree murder pursuant to G.S. 14-17; first-degree rape pursuant to G.S. 14-27.21 or first-degree sexual offense pursuant to G.S. 14-27.26. In these cases, jurisdiction continues until terminated by order of the court or the juvenile reaches the age of 21, whichever first occurs. G.S. 7B-1602(a).

Until age 19. Jurisdiction may continue until the age of 19 for certain juveniles who were adjudicated delinquent and are in the custody of the Division for placement in a youth development center. The juvenile must have been adjudicated delinquent for an offense that would constitute a Class B1, B2, C, D, or E felony if committed by an adult. In these cases jurisdiction continues until terminated by order of the court or the juvenile reaches the age of 19, whichever first occurs. G.S. 7B-1602(b).

D. Jurisdiction over Parent

Upon proper service of the summons and petition, the court has jurisdiction over the parent, guardian, or custodian of a juvenile who is under the jurisdiction of the court as a result of allegations of delinquency. G.S. 7B-1601(g); *see infra* § 3.5E, Parent, Guardian, or Custodian. For example, a parent may be ordered to attend parental responsibility classes, obtain an evaluation and receive any recommended treatment, participate in the juvenile's evaluation and treatment, or pay the costs of the juvenile's treatment, support, or appointed attorney's fees. *See* G.S. 7B-2700 through 7B-2706 (Article 27, Authority over Parents of Juveniles Adjudicated Delinquent or Undisciplined).

E. Transfer of Jurisdiction to Superior Court

A juvenile who is at least 13 years of age at the time of an alleged offense that would be a felony if committed by an adult is subject to transfer of jurisdiction to superior court for trial as an adult. The case *must* be transferred if the alleged offense would be a Class A

felony and the juvenile court judge finds probable cause. G.S. 7B-2200; *see infra* § 9.8, Transfer of Jurisdiction to Superior Court.

SIGNIFICANT AGES UNDER STATUTES	
6	Earliest age one can be alleged or adjudicated to be a delinquent or undisciplined juvenile
10	Youngest age an alleged delinquent juvenile may be fingerprinted or photographed
10	Youngest age a delinquent juvenile may be committed to a youth development center
11	Youngest age a delinquent juvenile may be required to register as a juvenile sex offender
13	Youngest age an alleged delinquent juvenile may be transferred to superior court for trial
Under 14	Age at which an alleged delinquent juvenile's admission or confession must be excluded if the juvenile's parent/guardian or attorney was not present during an in-custody interrogation
14-18	Age at which an alleged delinquent juvenile must be notified of the right to have a parent or guardian present, as well as an attorney, before an admission or confession may be used against the juvenile
Under 16	Maximum age at which a juvenile may be adjudicated an undisciplined juvenile solely for truancy
16	Age at which a juvenile is charged as an adult
17	Maximum age at which a juvenile may be adjudicated an undisciplined juvenile for acts other than truancy
18	Age at which juvenile court jurisdiction must end, unless under extended jurisdiction
19	Maximum age for extended jurisdiction over delinquent juveniles committed to a youth development center pursuant to adjudication of delinquency for a B1 through E offense
21	Maximum age for extended jurisdiction over delinquent juveniles committed to a youth development center pursuant to adjudication of delinquency for first-degree murder, first-degree rape, or first-degree sex offense